IN THE HIGH COURT OF PUNJAB & HARYANA CHANDIGARH

Criminal Revision No.2173 of 2007
Date of Decision: December 14, 2007

SUKHBIR SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE A.N.JINDAL

Present: Mr. Ajit Attri, Advocate,
for the petitioner.

Mr. Dinesh Arora, DAG, Haryana.

A.N.JINDAL, J

This petition has arisen out of the order dated 08.10.07 passed by Presiding Officer Special Court Kurukshetra dismissing the application of the petitioner for releasing the motor cycle bearing no. HRO7-G-9522 made Hero Honda Splendor on supardari.

No doubt Section 60(3) of the NDPS Act refers for confiscation of any vehicle or other conveyance used in carrying the narcotic drugs or psychotropic substances unless the owner of the vehicle proves that it was so used without his knowledge or connivance.

Admittedly, the case is still undergoing trial and the Court has not issued any notice of confiscation against the petitioner. The petitioner has not been arrayed as

an accused in the case. Therefore, it is still debatable and will be known after the evidence is collected whether the vehicle was used with the knowledge and connivance of the owner. The petitioner has offered to furnish sufficient security for producing the vehicle in the Court on each and every hearing.

Thus keeping in view the aforesaid facts and circumstances and also the fact that if the motor cycle is allowed to remain in the police station without any proper garage or parking then there are all chances of its speed decay.

Consequently, the petition is allowed, the order passed by Special Judge, Kurukshetra is set aside and the motor cycle bearing No. HRO7-G-9522 is ordered to be released to the registered owner on furnishing bail bond and supardari bond to the satisfaction of the trial Court and on terms as fixed by it.

(A.N.JINDAL)
JUDGE

December 14, 2007
Ruchika

To be referred to reporter: Yes/No